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C O N F I D E N T I A L TASHKENT 001247

SIPDIS

DEPT FOR INL ANDREW BUHLER AND EXBS FOR JEFF HARTSHORN

E.O. 12958: DECL: 10/28/2018

TAGS: [PGOV](#) [PREL](#) [ASEC](#) [PHUM](#) [KCRM](#) [EAID](#) [PINR](#) [UZ](#)

SUBJECT: UZBEKISTAN STILL PLAYING HARD TO GET ON RULE OF  
LAW ASSISTANCE PROGRAMS

REF: A. TASHKENT 312  
    [1](#)B. TASHKENT 303  
    [1](#)C. TASHKENT 835  
    [1](#)D. TASHKENT 938  
    [1](#)E. TASHKENT 836  
    [1](#)F. TASHKENT 1225  
    [1](#)G. TASHKENT 82  
    [1](#)H. TASHKENT 400  
    [1](#)I. TASHKENT 561  
    [1](#)J. TASHKENT 1034  
    [1](#)K. TASHKENT 1193  
    [1](#)L. STATE 106151  
    [1](#)M. TASHKENT 1218

Classified By: Political Officer Tim Buckley for reasons 1.4 (B,D)

[1](#)1. (C) Summary: On October 10 we received a diplomatic note declining a proposal to use INL funds on a rule of law project that would have been implemented by the American Bar Association - Rule of Law Initiative (ABA-ROLI). This is the latest in a series of recent setbacks on efforts to invest in rule of law and law enforcement assistance projects, which also included rejection of a proposal to bring the Drug Enforcement Administration (DEA) back to Uzbekistan, difficulty in securing attendance for mid-level officers at an International Law Enforcement Academy (ILEA) training program, and reduced participation at a forensic sciences conference in Istanbul. The ABA-ROLI and DEA proposals were only submitted after Uzbek officials informally had indicated that the proposals would be welcome, and officials continue to send mixed messages even amidst the rejections. Likewise, two USAID programs were recently turned down. Prior conventional wisdom held that the Government of Uzbekistan wanted to avoid human rights engagement but was eager for security assistance and other non-sensitive rule of law projects, but the recent track record shows we are being kept at arm's length on many fronts. One explanation may be lingering distrust and the continued spectre of sanctions that colors our bilateral relationship. It may also reflect divisions within the Government of Uzbekistan on willingness

to engage, as a few well-placed power brokers in the National Security Service (NSS) and Presidential administration (Apparat) can tip the scales behind the scenes to protect their murky interests. End summary.

#### American Bar Association Project Rejected

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12. (C) On October 10 we finally received a response to a diplomatic note we submitted on July 23 proposing a limited rule of law assistance program which would have been implemented by ABA-ROLI (formerly ABA-CEELI). The proposal included events focusing on habeas corpus, international trade law, development of professional standards, the importance of treaties and international obligations, enhancing the independence of lawyers and their capacity for self-government. The Government of Uzbekistan's response after nearly three months of silence was to reject the project without any explanation beyond "it is not possible." Our main working level MFA contact told the DCM and poloff on October 21 that the Ministry of Justice was the main entity behind the decision and cited ABA's lack of formal registration in Uzbekistan as a reason. (Note: This is a weak excuse, as the project envisioned a series of modest training sessions and workshops administered by an Almaty-based ABA expat staff member who would not reside in Tashkent. We only requested that ABA be permitted to set up a temporary one-room office with a telephone which would be staffed by one local-hire Uzbek national. End note.)

13. (C) Our proposal was not unexpected, as the proposed subject matter had featured prominently in several legal workshops and international conferences during the year, at which high-ranking Uzbek officials publicly stated their desire for more international assistance and cooperation (refs A-C). A new law with habeas corpus elements went into effect in 2008, and subsequent Presidential Decrees called for the enhancement of professional legal qualifications and the creation of a new legal research center (ref D). Thus, far from bold agendas that could incite "color revolutions," our rule of law proposal closely mirrored what President Karimov himself has been advocating all year.

14. (C) Several Uzbek officials also hinted to us that, of the prominent international NGOs that were forced to cease operations previously, ABA-ROLI was "a nice organization," and would be a good candidate to test the waters about increasing cooperation (ref E). Human Rights Ombudswoman Sayyora Rashidova expressed this sentiment in a meeting with a visiting DRL official as recently as September 22, even as the denial note was being drafted elsewhere in the corridors of the government (ref F). We pushed back with the MFA on October 21 after the rejection, noting that it makes Uzbekistan look inconsistent and uncooperative and that such prior-year assistance funds might have to be redirected to a neighboring country. MFA Americas Desk Chief Ismat Fayzullaev accepted another copy of the proposal and said he would follow up, but we do not expect the outcome to be any different. (Note: We are pleased that the USAID-funded NGO Institute for New Democracies (IND) will be doing habeas corpus training in November, which will include visiting U.S. experts conducting sorely needed sessions outside the capital. The experts, including a law enforcement expert and a Federal Judge, experienced no problems in obtaining visas. End note.)

#### Other Odd Disappointments

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15. (C) Even as the silence was deafening this summer as the Uzbeks pondered our proposed rule of law project, other surprising rejections were made, again with much foot dragging and teeth-pulling. In late July the Government officially denied a proposal to reestablish a DEA office in Tashkent in order to increase counter-narcotics cooperation. As with the ABA proposal, this followed months of assurances from top officials in the Ministry of Internal Affairs and

the National Drug Control Center that Uzbekistan wanted to resume cooperation and would welcome DEA's return (refs G-I).

Yet something happened in the Byzantine hallways of the Government of Uzbekistan after lower-level officials thought they approved the proposal, and the official response said a DEA office was "inadvisable" (Ref J). To confuse matters more, the Government of Uzbekistan note suggested the Embassy staff counter-narcotics positions with diplomatic personnel, and officials have continued to hint that DEA agents may be able to operate in Tashkent (we are proceeding on this basis).

¶6. (C) In July the Government of Uzbekistan missed a deadline to submit 16 names of mid-level law enforcement officers for INL-funded training at the International Law Enforcement Academy in Budapest, Hungary, and we badgered the Uzbeks until they belatedly authorized just eight -- candidates and agencies of their choosing -- to participate (ref K). In September, as a complementary aspect of a successful project to upgrade the main forensic laboratory, we invited three Uzbek scientists to participate in the First Eurasian Congress of Forensic Sciences in Istanbul; again, belatedly, one was allowed to travel. In August, while accepting several hundred thousand dollars of U.S. equipment in the response to the munitions depot explosions in Kagan, Uzbek authorities inflexibly applied all Customs procedures and

refused to extend the visas for the military trainers beyond an 11-day timeframe. (Note: The Ministry of Defense was volubly appreciative for the U.S. assistance and hospitable to the U.S. personnel, but even it apparently lacks the influence to get visa extensions. End note.) The Government of Uzbekistan also delayed and then canceled a proposed INL-funded trafficking in persons study trip by law enforcement officials to Russia in September, but we find the implementers' hunch that it was related to the Georgia crisis plausible and not necessarily an effort to limit cooperation with the U.S. In other unexplained setbacks, Uzbekistan recently turned down a proposed USAID-funded education program and refused a registration request by Zdrav-Plus.

#### Threat of Sanctions Colors Relationship

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¶7. (C) We had heretofore presumed that the Uzbeks were willing to undertake and even actively sought out law enforcement and security assistance cooperation, but our difficulty in implementing INL projects this summer challenges this conventional wisdom. One explanation for lackluster cooperation -- even as the overall bilateral relationship was actually improving -- may be lingering suspicions about U.S. intentions as well as the threat of sanctions. The past year has seen possible Congressional sanctions stemming from the 2005 Andijon events, review of GSP benefits due to intellectual property rights concerns, the release of high-profile annual reports such as the Human Rights Report, a Tier 3 review on the Trafficking in Persons Report (which the Uzbeks helped themselves on for a change with timely, prudent action) and, more recently, possible designation as a country of particular concern on religious freedom as well as possible countermeasures in the financial system as a result of FATF money laundering deficiencies. Consequently, it is hard to generate momentum in the bilateral relationship since the Uzbeks are never sure on a day-to-day basis if they want to do business with us or prepare a backlash.

#### NSS Influence

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¶8. (C) We suspect the murky and influential NSS decides how much engagement to have on law enforcement and security projects and when. Even other Uzbek officials are caught off guard by unexpected decisions behind the scenes; when we received the official response rejecting a DEA office, the then head of the National Center for Drug Control, Kamol Dusmetov, was visibly surprised and annoyed -- "we need DEA Agents," he continued to insist in the presence of poloff and Defense Attache. On October 18, we learned that Dusmetov was

removed from his duties and replaced with a high-level NSS officer. The MFA had no knowledge of this shake-up, as the diplomatic note came directly from the National Center for Drug Control; our MFA contacts only learned when poloff faxed a copy of the dip note to the MFA, which demonstrates how marginalized it is in the government. Foreign Minister Norov even suggested that DEA agents return to Uzbekistan in his meetings on the sidelines of the UNGA (ref L); he later backpedaled, but the remarks suggest he, too, is out of the loop.

¶9. (C) We do not fully understand the reasons why some within the Government of Uzbekistan may want to limit engagement, but a common denominator in the recent law enforcement and security proposals was training aspects. Equipment, on the other hand, is always welcome since it tends to be viewed as having no real strings attached and will remain functional even if the bilateral relationship does not. Interestingly, the GOU responded very quickly to our June request to

identify repair needs for EXBS-provided equipment. EXBS training proposals from August and September have gone unanswered, however. The State Customs Committee, despite a possibly weaker position of late, recently reached out to request additional equipment donations from the U.S. (ref M).

The MFA's Fayzullaev indicated on October 21 that the government may be considering expended cooperation with the Export and Related Border Security program (EXBS), which completed some equipment repairs this summer and managed to bring Uzbeks to a training program in the United States.

Comment:

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¶10. (C) Our recent experience suggests that legal reform is still a sensitive topic, particularly if Uzbek officers and officials are exposed to training programs. Uzbek pride may be as much a factor as the Government of Uzbekistan's obsession with control. We will continue to try to convince the Government of Uzbekistan that it is in its interests to cooperate on a range of rule of law-related programs. Rebuilding trust about U.S. intentions in Uzbekistan and the region remains important. We believe there is room for additional assistance work on habeas corpus which, along with trafficking in persons advances, has been one of the bright spots in the human right situation in Uzbekistan. It would also be in the U.S. interest to help ABA-ROLI establish a beach head in Uzbekistan, where it worked successfully from 1995-2006; indeed, it is credited with laying the groundwork for the law which took effect in 2008 and is now being implemented. We will also continue our efforts to get DEA reestablished in Uzbekistan, but the sticking point could very well be that the NSS itself has something to hide concerning narcotics trafficking.

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